

31A-13-101. Scope.

This chapter applies to every employee welfare fund covering any person employed in this state except to the extent that:

- (1) federal law excludes the operation of state law;
- (2) the fund qualifies for exemption from regulation under a rule adopted by the commissioner defining funds which provide no benefits involving insurance risks; or
- (3) the commissioner determines by rule that the insurance-like risks are minimal or present no problems requiring active regulation.

Amended by Chapter 204, 1986 General Session

31A-13-102. Regulation in general.

Chapter 2 applies to the regulation of employee welfare funds or plans subject to Chapter 13.

Enacted by Chapter 242, 1985 General Session

31A-13-103. Registration.

The trustees of every employee welfare fund which covers any person employed in this state shall register the fund with the commissioner within three months after the fund becomes subject to this chapter. The registration shall be in the form and shall contain the information relating to the organization, operations, and affairs of the fund as prescribed by the commissioner.

Amended by Chapter 204, 1986 General Session

31A-13-104. Commissioner to file information.

The commissioner may collect and file for public inspection the forms of trust indentures in use, the commission and fee schedules adopted by insurers, the compensation paid to trustees of employee welfare funds, and other matters affecting the establishment and administration of the funds the commissioner determines are in the public interest.

Enacted by Chapter 242, 1985 General Session

31A-13-105. Reports to employers and employees.

(1) The fund or plan's annual report, and any other statement the commissioner indicates, shall be kept on file with the commissioner and at the principal office of the trustees.

(2) The statements, or the portion of the statements the commissioner considers appropriate, shall be made available by the commissioner or by the trustees, or both, for inspection:

- (a) by an employer contributing to the fund;
- (b) by a labor organization which is a party to an agreement establishing the fund; or
- (c) by an employee covered by the fund.

(3) When the commissioner considers it to be in the public interest, he may require the trustees to mail any portions of the statements which the commissioner considers appropriate:

- (a) to employees covered by the fund;
- (b) to contributing employers; or
- (c) to any labor organization which is a party to an agreement establishing the fund.

Enacted by Chapter 242, 1985 General Session

31A-13-106. Annual accounting by insurance companies, service plans, and corporate trustees and agents.

Any insurance company, hospital, surgical or medical service plan providing benefits under an employee welfare fund, and any corporate trustee or agent holding or administering all or any part of an employee welfare fund shall, within four months after the end of each policy or of the fiscal year, furnish to the trustees of the fund a statement of account giving any information that the trustees of the fund need to comply with the requirements of this chapter.

Enacted by Chapter 242, 1985 General Session

31A-13-107. Commissioner's remedies.

If the trustees of any employee welfare fund have failed to register the fund in accordance with Section 31A-13-103, or otherwise fail to comply with this chapter, the commissioner shall notify the employers of the failure. In addition to ordering compliance under Subsection 31A-2-201(4), the commissioner may:

- (1) order the employers to stop making payments to the trustees until the employers are notified by the commissioner that the trustees are in compliance with this chapter; or
- (2) rehabilitate or liquidate the employee welfare fund under Chapter 27a, Insurer Receivership Act.

Amended by Chapter 309, 2007 General Session

31A-13-108. Investments.

Chapter 18 applies to investments of employee welfare funds or plans, except as otherwise provided by rule.

Enacted by Chapter 242, 1985 General Session

31A-13-109. Political activities.

Subsection 31A-4-112(1) applies to lobbying by employee welfare funds. No employee welfare fund may make political contributions.

Amended by Chapter 204, 1986 General Session